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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,308	11/17/2003	Michael G. Robinson	95121961.029004	5120

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BAKER & MCKENZIE
PATENT DEPARTMENT
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DALLAS, TX 75201

EXAMINER

SCHECHTER, ANDREW M

ART UNIT

PAPER NUMBER

2871

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/715,308

Applicant(s)

ROBINSON ET AL.

Examiner

Andrew Schechter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/22/04, 1/30/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by *Baron*, U.S. Patent No. 5,534,949.

Baron discloses [see Fig. 2] an apparatus comprising: a first reflecting panel [32] that receives image information [from 13] for a first color [red]; a second reflecting panel [34] that receives image information [from 13] for a second color [green] and a third color [blue]; a temporal modulator [24] that receives and modulates light [20] that includes a first color light [R], a second color light [G], and a third color light [B]; and a beam splitting and combining element [30] having a single reflecting/transmitting surface [the diagonal shown] that reflects and transmits said first color light to said first panel and said second and third color light to said second panel and combines images reflected from said first reflecting panel and second reflecting panel. Claim 1 is therefore anticipated.

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3. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by *Knox*, U.S. Patent No. 6,217,174.

Knox discloses [see Fig. 3] an apparatus comprising: a first reflecting panel [14] that receives image information [from 26] for a first color [red]; a second reflecting panel [16] that receives image information [from 26] for a second color [green] and a third color [blue]; a temporal modulator [22"] that receives and modulates light that includes a first color light [R], a second color light [G], and a third color light [B]; and a beam splitting and combining element [20] having a single reflecting/transmitting surface [the diagonal shown] that reflects and transmits said first color light to said first panel and said second and third color light to said second panel and combines images reflected from said first reflecting panel and second reflecting panel. Claim 1 is therefore anticipated.

4. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by *Yoo et al.*, U.S. Patent No. 6,388,718.

Yoo discloses [see Fig. 3b] an apparatus comprising: a first reflecting panel [58] that receives image information for a first color [green]; a second reflecting panel [60] that receives image information for a second color [red] and a third color [blue]; a temporal modulator [51] that receives and modulates light that includes a first color light [G], a second color light [R], and a third color light [B]; and a beam splitting and combining element [56] having a single reflecting/transmitting surface [the diagonal shown] that reflects and transmits said first color light to said first panel and said second and third color light to said second panel [not respectively - the first color is transmitted,

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the second and third colors are reflected] and combines images reflected from said first reflecting panel and second reflecting panel. Claim 1 is therefore anticipated.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,650,377 to *Robinson et al.* is the patent resulting from this application's parent case.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Schechter whose telephone number is (571)

272-2302. The examiner can normally be reached on Monday - Friday, 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert H. Kim can be reached on (571) 272-2293. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Andrew Schechter
24 May 2004



TARIFUR R. CHOWDHURY
PRIMARY EXAMINER